

ENTERED

March 03, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KH-REIT II FUNDING XXII, LLC,

Plaintiff,

VS.

GRANT MEADOWS, L.L.C.,

Defendant.

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CIVIL ACTION NO. 4:22-CV-03730

ORDER

Before the Court is Plaintiff's Partial Motion to Dismiss Defendant's Declaratory Judgement Counterclaims. (Doc. 9.) Defendant has failed to respond to the Motion and the original time for a response passed on January 4, 2023. This Court's local rules provide that "[f]ailure to respond to a motion will be taken as a representation of no opposition." (LR 7.4.) Accordingly, the Court **GRANTS** Plaintiff's Motion in its entirety. Defendants' claims for declaratory relief are **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Signed at Houston, Texas on March 2, 2023.



Keith P. Ellison
United States District Judge